

PATENT #8  
ATTORNEY DOCKET NO. 47714-5004  
5/17/99  
mh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David PASCUAL et al. Q I P E

Serial No.: 09/068,935 APR 14 1999 ) Group Art Unit: unknown

Filed: May 21, 1998 ) Examiner: unknown

For: THERAPEUTIC AND DIAGNOSTIC )  
AGENTS FOR THE TREATMENT )  
OF MICROBIAL INFECTIONS )

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REVOCATION OF ORIGINAL POWER OF ATTORNEY  
AND GRANT OF NEW POWER OF ATTORNEY BY ASSIGNEE**

Pursuant to 37 C.F.R. §§1.36 and 3.71, assignee, Research and Development Institute, Inc., hereby revokes all previous Powers of Attorney in the above patent application and hereby grants power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

**Customer Number: 009629**

**Please direct all telephone inquiries to:**

**Reid G. Adler  
Phone: 202-467-7756**

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Research and Development Institute, Inc., a corporation, certifies that it is:

1. [ ] an assignee of the entire right, title, and interest; or

2. [X] an assignee of an undivided part interest

in the application identified above by virtue of:

A. A chain of title from the inventor(s), of the application identified above, to the current assignee as shown by a copy of the assignment as filed in the United States Patent and Trademark Office on below:

1. From:

To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From:

To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From:

To:

The document was filed in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[X] Copies of assignments or other documents in the chain of title are attached.

ATTORNEY DOCKET NO. 47714-5004  
Serial No. 09/068,935  
Page 3

The undersigned (whose title is supplied below) is empowered to sign this certificate on  
behalf of the Assignee.

Research & Development  
[Assignee Name] Institute & Development  
[Assignee Address] 1711 West College

Bozeman, MT 59715

Dated: 4/8/89

By: Roger N. Flair

Name: Roger N. Flair

Title: President

RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney Docket No.: 47714-5004

To the Assistant Commissioner for Patents:  
Please record the attached original documents or copy thereof.

ATTN: BOX ASSIGNMENT

1. Name of conveying party(ies):

1. David Pascual  
2. Clifford Bond  
3. James Burrit  
4. Donald Burgess  
9. Jim E. Cutler  
10. Yongmoon Han

5. Pati Glee  
6. Mark Jutila  
7. Gordon McPeters  
8. Barry Pyle

O I P E  
APR 4 1999  
P A T E N T & T R A D E M A R K O F F I C E

2. Name and address of receiving party(ies):

Name: The Research and Development Institute, Inc.

Internal Address:

Street Address: 1711 West College,  
Montana State University

City: Bozeman  
State: MT Zip: 59715

Additional name(s) & address(es) attached?  
 Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: December 17, 1998; January 13, 19 and 20, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application the execution date of the application is:

A. Patent Application No.(s) 09/068,935

B. Patent No.(s)

Additional numbers attached:  Yes  No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

6. Total number of applications and patents involved:  1

Name: Mr. Reid G. Adler  
Internal Address: Customer No. 09629  
Morgan, Lewis & Bockius LLP

7. Total fee (37 C.F.R. §3.41): \$40.00

Street Address: 1800 M Street, N.W.  
City: Washington State: D.C. Zip: 20036

Enclosed

Authorized to be charged to deposit account 50-0310

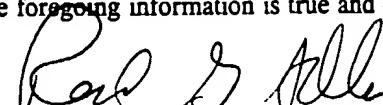
8. Deposit account number: 50-0310

Attach duplicate of page if paying by deposit account

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of  
the original document.

Reid G. Adler  
Name of Person Signing



Signature

April 2, 1999

Date

Total number of pages including cover sheet, attachments and documents: 7

Docket No.: 50198-109

ASSIGNMENT

WHEREAS WE, David PASCUAL; Clifford BOND; James BURRITT; Don BURGESS; Pati GLEE; Mark JUTILA; Gordon MCFETERS; Barry PYLE; Jim E. CUTLER; and Han YONGMOON of Bozeman, Montana, respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled **THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT OF MICROBIAL INFECTIONS**, executed by us on the date of execution of this document, as shown below, and filed concurrently herewith;

OR

for which an application for United States Letters Patent was filed on May 21, 1998, and identified by United States Serial No. 09/068,935;

AND WHEREAS, THE RESEARCH AND DEVELOPMENT INSTITUTE, INC., a corporation of the State of Montana and having an address of 1711 West College, Montana State University, Bozeman, MT 59715 USA is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto THE RESEARCH DEVELOPMENT INSTITUTE, INC., its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said RESEARCH DEVELOPMENT INSTITUTE, INC., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

12-17-98

Date

1-19-99

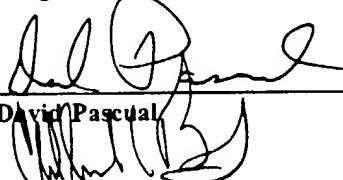
Date

1-19-99

Date

17 DEC 1998

Date

  
David Pascual

  
Clifford Bond

James Burritt

  
Don Burgess

12/17/98

Date 12/17/98

Date 1/13/99

12/17/98

Date 1/20/99

Date 1/19/99

Pati Glee  
Mark Jutila  
Mark Jutila  
Gordon McFeters  
Gordon McFeters  
Barry Pyle  
Barry Pyle  
Jim E. Cutler  
Jim E. Cutler  
Yongmoon Han  
Yongmoon Han

STATE OF MONTANA )  
COUNTY OF GALLATIN ) SS:

On this 17th day of December, 1998, before me personally appeared David Pascual, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

**S E A L**

Claudine Eakes  
Notary Public

**My commission expires December 27, 2001**

STATE OF MONTANA )  
COUNTY OF GALLATIN ) SS:

On this 19th day of January, 1999, before me personally appeared Clifford Bond, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker

Notary Public

My commission expires Dec. 27, 2001

STATE OF MONTANA)  
COUNTY OF GALLATIN)

) SS:

On this 19th day of January, 1999, before me personally appeared James Burritt, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker

Notary Public

My commission expires Dec. 27, 2001

STATE OF MONTANA)  
COUNTY OF GALLATIN)

) SS:

On this 17th day of December, 1998, before me personally appeared Don Burgess, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker

Notary Public

My commission expires December 27, 2001

STATE OF MONTANA)  
COUNTY OF GALLATIN)

) SS:

On this 17th day of December, 1998, before me personally appeared Pati Glee, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Eckes  
Notary Public

My commission expires December 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

On this 17th day of December, 1998, before me personally appeared Mark Jutila, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Eckes  
Notary Public

My commission expires December 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

On this 13th day of January, 1999, before me personally appeared Gordon McFeters, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Eckes  
Notary Public

My commission expires Dec. 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

On this 17th day of December, 1998, before me personally appeared Barry Pyle, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker  
Notary Public

My commission expires December 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

On this 20th day of January, 1999, before me personally appeared Jim E. Cutler, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker  
Notary Public

My commission expires Dec. 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

On this 19th day of January, 1999, before me personally appeared <sup>Yongmoon Han</sup> ~~Han~~ <sup>Yongmoon</sup>, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

S E A L

Claudine Ecker  
Notary Public

My commission expires Dec. 27, 2001

STATE OF MONTANA)  
) SS:  
COUNTY OF GALLATIN)

PATENT  
ATTORNEY DOCKET NO. 47714-5004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David PASCUAL *et al.* O/PE  
Serial No.: 09/068,935 APR 14 1999  
Filed: May 21, 1998  
For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT  
OF MICROBIAL INFECTIONS

) Group Art Unit: unknown

) Examiner: unknown

Assistant Commissioner for Patents  
Washington, D.C. 20231

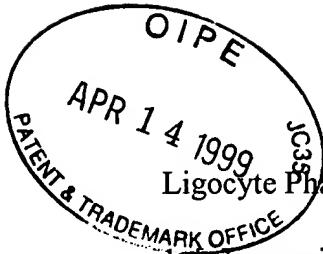
**REVOCATION OF ORIGINAL POWER OF ATTORNEY  
AND GRANT OF NEW POWER OF ATTORNEY BY ASSIGNEE**

Pursuant to 37 C.F.R. §§1.36 and 3.71, assignee, Ligocyte Pharmaceuticals, Inc., hereby revokes all previous Powers of Attorney in the above patent application and hereby grants power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

**Customer Number: 009629**

**Please direct all telephone inquiries to:**

**Reid G. Adler  
Phone: 202-467-7756**



**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Ligocyte Pharmaceuticals, Inc., a corporation, certifies that it is:

1.  an assignee of the entire right, title, and interest; or

2.  an assignee of an undivided part interest

in the application identified above by virtue of:

A. A chain of title from the inventor(s), of the application identified above, to the current assignee as shown by a copy of the assignment as filed in the United States Patent and Trademark Office on below:

1. From:

To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From:

To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From:

To:

The document was filed in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Copies of assignments or other documents in the chain of title are attached.

ATTORNEY DOCKET NO. 47714-5004  
Serial No. 09/068,935  
Page 3

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

Dated: 4/12/99

By:

Name: Michael A. McCue

Title: President and CEO

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

Attorney Docket No.:47714-5004

To the Assistant Commissioner for Patents:  
Please record the attached original documents or copy thereof.

**ATTN: BOX ASSIGNMENT**

1. Name of conveying party(ies):

1. John Jutila
2. Robert Bargatze

Additional name(s) of conveying party(ies) attached?

Yes  No

2. Name and address of receiving party(ies):

Name: Ligocyte Pharmaceuticals, Inc.

Internal Address: Suite C

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

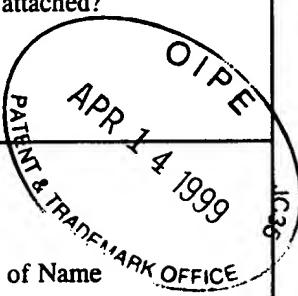
Street Address: 920 Technology Boulevard

City: Bozeman  
State: MT Zip: 59718

Additional name(s) & address(es) attached?

Yes  No

Execution Date: December 17, 1998



4. Application number(s) or patent number(s):

If this document is being filed together with a new application the execution date of the application is:

A. Patent Application No.(s) 09/068,935

B. Patent No.(s)

Additional numbers attached:  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Mr. Reid G. Adler  
Internal Address: Customer No. 09629  
Morgan, Lewis & Bockius LLP

7. Total fee (37 C.F.R. §3.41): \$40.00

Street Address: 1800 M Street, N.W.  
City: Washington State: D.C. Zip: 20036

Enclosed

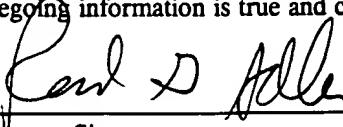
Authorized to be charged to deposit account 50-0310

8. Deposit account number: 50-0310  
Attach duplicate of page if paying by deposit account

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Reid G. Adler  
Name of Person Signing

  
Signature

April 2, 1999  
Date

Total number of pages including cover sheet, attachments and documents: 7

Docket No.: 50198-109

**A S S I G N M E N T**

WHEREAS WE, John JUTILA and Robert BARGATZE of Bozeman, MT, respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled **THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT OF MICROBIAL INFECTIONS**, executed by us on the date of execution of this document, as shown below, and filed concurrently herewith;

**OR**

for which an application for United States Letters Patent was filed on May 21, 1998, and identified by United States Serial No. 09/068,935;

AND WHEREAS, LIGOCYTE PHARMACEUTICALS, INC., a corporation of the State of Montana and having an address of 920 Technology Blvd., Suite C, Bozeman, MT 59718 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

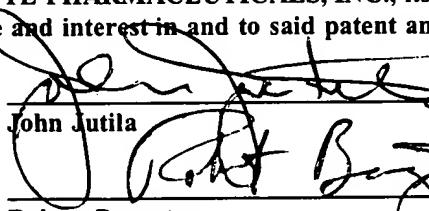
NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto LIGOCYTE PHARMACEUTICALS, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

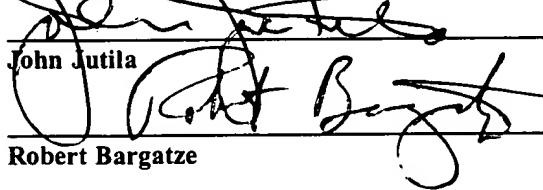
UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said LIGOCYTE PHARMACEUTICALS, INC., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

12/17/98  
Date

12/17/98  
Date

  
John Jutila

  
Robert Bargatze

STATE OF MONTANA )  
COUNTY OF GALLATIN )

On this 17th day of December, 1998, before me personally appeared John Jutila, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

Claudine Eckes

---

## Notary Public

**My commission expires** December 27, 2001

STATE OF MONTANA )  
COUNTY OF GALLATIN )

On this 17th day of December, 1998, before me personally appeared Robert Bargatze, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

Claudine Eckes

## Notary Public

My commission expires December 27, 2001



1644

PATENT  
ATTORNEY DOCKET NO. 47714-5004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**David PASCUAL et al.**

Serial No.: 09/068,935

Filed: May 21, 1998

For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT OF  
MICROBIAL INFECTIONS

))  
)) *u/ Donna Chapman*  
)) *4/26/99*  
))

RECEIVED

APR 19 1999

MATRIX CLOUD,  
SERVICE CENTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUBMISSION OF REVOCATION OF ORIGINAL  
POWER OF ATTORNEY AND GRANT OF NEW POWER  
BY ASSIGNEE(S)**

Sir:

Enclosed are the following papers for the above identified application.

1. Revocation of Original Power of Attorney and Grant of New Power of Attorney  
with Rule 3.73(b) Certificate (Ligocyte Pharmaceuticals, Inc.)
2. Revocation of Original Power of Attorney and Grant of New Power of Attorney  
with Rule 3.73(b) Certificate (Research and Development Institute)

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Reid G. Adler  
Reg. No. 30,988

Dated: April 14, 1999

**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 467-7000